AMERICANS WITH DISABILITIES ACT

POLICIES, PRACTICES & PROCEDURAL GUIDANCE FOR NASSAU COUNTY DEPARTMENTS, AGENCIES, AND ENTITIES

NASSAU COUNTY · STATE OF NEW YORK ·

NCPG

POLICY/PROCEDURE TITLE: Nassau County Americans with Disabilities Act Policy **County-wide Policy No. HHS-01**	**DATE ISSUED:** January 20, 2005
DEPARTMENT ISSUING: Office for the Physically Challenged Don Dreyer, Director	**AUTHORIZED and SIGNED BY:** *Mary Curtis*

POLICY:	The County of Nassau is committed to complying with the Americans with Disabilities Act (ADA), including all the provisions of Title II of the ADA, which protects the rights of the disabled to access state and local government services, programs and activities. Specifically, the County is committed to the following policy: No qualified disabled individual shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of Nassau County, or employment by Nassau County, or be subjected to discrimination by Nassau County in employment or in County public services, programs and/or activities including, but not limited to legislative meetings, informational materials, health and social services, employment, transportation, recreation and special events.
PURPOSE:	To ensure that all members of the public, including people with disabilities, are able to participate in and receive the benefits of Nassau County's services, programs and activities, including employment opportunities with Nassau County.
SCOPE:	All Nassau County Departments and Agencies

TABLE OF CONTENTS:

Laws And Regulations 3
Definitions 3
I. County Programs, Services Or Activities
  A. Introduction 5
  B. Request And Resolution 6
  C. Reconsideration Process 8
II. Employment
  A. Introduction 9
  B. Request And Resolution Process 9
III. Posting And Distribution Of Policy 10
IV. ADA Liaison List 12
V. Forms .... Appendix
  # 1 Policy Statement

	# 2 Request for Accommodation Form # 3 ADA Accessible Meetings Notice
Laws and Regulations	• **Americans with Disabilities Act, Title II** (42 U.S.C. §12131 *et seq.)* • **Department of Justice Regulations** implementing Title II of the ADA (28 CFR Part 35) • **Department of Justice Title II Technical Assistance Manual** • **ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)** promulgated by the U.S. Architectural and Transportation Barriers Compliance Board
DEFINITIONS	**County** - County of Nassau **Disabled Individual** - a person with a "*physical or mental impairment*" that substantially limits a "*major life activity*", or "*has a record of* such impairment", or "*is regarded as having* such impairment". These definitional terms are further explained below. ➢ "*Physical or mental impairment*" - (i) *Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss* affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or (ii) *Any mental or psychological disorder* such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. ➢ "*Major Life Activities*" - include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. ➢ "*Has a record of such an impairment*" – has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. ➢ "*Is regarded as having an impairment*" - (i) Has a physical or mental *impairment that does not substantially limit major life activities* but that is treated by a public entity as constituting such a limitation; (ii) Has a physical or mental *impairment that substantially limits major life activities only as a result of the attitudes of others* toward such impairment; or (iii) Has no physical or mental impairments defined herein, but is treated as having such an impairment. The following are **not disabilities:**

i. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other *sexual behavior disorders*;

ii. *Compulsive* gambling, kleptomania, or pyromania; and

iii. Psychoactive *substance use disorders resulting from current illegal use of drugs*, provided, however, that a person may be protected under the ADA if he or she is *no longer using drugs* and is participating in or has successfully completed a supervised drug rehabilitation program; and, further, provided that, even *current drug users* have a right to access under the ADA to health services and services in connection with *drug rehabilitation*, but may be ejected from a rehabilitation program if they engage in illegal drug use while participating in the program.

Qualified Disabled Individual - individual who:

- *With respect to employment,* meets the skill, experience, education and other job-related requirements of a position held or desired, even if he or she meets such requirements only with a "*reasonable* accommodation" for his or her disability; or
- *With respect to County programs, services and activities,* meets the essential eligibility requirements for the services, programs and/or activities offered by Nassau County, even if he or she meets such requirements only with a "*reasonable accommodation*" for his or her disability.

"Reasonable accommodation" means an adjustment to duties, performance methods, and/or service delivery to meet the individualized need of a qualified disabled individual. The provision of a reasonable accommodation in a specific situation removes barriers that prevent or limit the participation in employment, services, programs and/or activities. This may include:

- *reasonable modification*" to the County department's rules, policies or practices;
- *removal of* architectural, communication or transportation *barriers;* or
- *provision* of *auxiliary aids and services*, which includes
  1. Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with

	hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; 2. Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments; 3. Acquisition or modification of equipment or devices; and 4. Other similar services and actions.

I. COUNTY PROGRAMS, SERVICES OR ACTIVITIES

A. INTRODUCTION

The Congress enacted the Americans With Disabilities Act ("ADA") in 1990 to protect individuals with disabilities against discrimination in employment (Title I), state and local government programs and services (Title II, Subtitle A), and transportation (Title II, Subtitle B), public accommodations (Title III), and telecommunications (Title IV). This Policy/Procedure sets forth Nassau County's plan for complying with the requirements of Title II. Title II provides:

> "Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Nassau County is committed to ensuring that it vigorously complies with this mandate. To this end, this Policy/Procedure provides ways of apprising disabled individuals of their rights and establishes a clear, efficient and fair process for them to seek enforcement of those rights. Sometimes, a particular change or accommodation may be needed to ensure full and equal participation in County services, programs and/or activities. Making a service, program or activity available or accessible can usually be achieved through a combination of common sense, creativity and dialogue between a County representative and the person with the disability and/or his or her representative.

The Request and Resolution Process set forth herein is designed to promote prompt and equitable resolution of requests for accommodations and complaints relating to the ability of individuals with disabilities to access services, programs and/or activities.

B. REQUEST AND RESOLUTION PROCESS

Any qualified disabled individual or his or her representative who requests an accommodation or who believes that conditions prevent or have prevented him or her from full and equal participation in any service, program and/or activity of the County may file a request for accommodation describing the problem. The following chart sets forth the process for disabled individuals to submit such requests and for departments to resolve them.

Request Initiation	• In situations where a qualified disabled individual anticipates being unable to participate in a service, program and/or activity that is about to occur due to disability, oral requests may be made initially to permit prompt action. • If the situation is not resolved following an oral request, a request should be filed in writing or, when necessary, in another format that accommodates the requestor's disability. While written requests need not be on any specific form, request forms may be obtained from the Nassau County Office for the Physically Challenged (hereinafter referred to as "**OPC**").
To Whom Should The Request Be Addressed?	• Requests concerning access to County services, programs, and/or activities should be addressed to the ADA Liaison for the department responsible for the program, service or activity at issue. (A list of ADA Liaisons for all County departments is attached to this policy.) • If the requestor cannot identify or contact the appropriate

	department or the designated ADA Liaison for that department, he/she should contact: Don Dreyer, Director Nassau County Office for the Physically Challenged 60 Charles Lindbergh Blvd. Uniondale, NY 11553 (516) 227-8990 (Voice), 227-8989 (TDD), (516) 227-8991 (Fax)
Included Information	All requests, in whatever form, should identify the following: • Name, address and phone number of person filing request; • Name, address and phone number of the qualified disabled individual needing the accommodation; • The disability the person has that is preventing that individual from participating in the service program or activity. The County reserves the right to request medical verification of the disability, the functional limitations the disability causes and the need for the accommodation. If medical documentation is required, the person requesting the accommodation must sign a medical records release form. • The service, program and/or activity which is not fully available or accessible; • The manner in which the service, program or activity is not available or accessible; • The reasonable accommodation being sought and/or the type of action believed to be necessary to make the service, program or activity available or accessible (Examples: removal of physical barriers, change in program policies or procedures, provision of auxiliary aides or services, discussion with County employees responsible for delivering services or other possible accommodations). • Any witnesses to the incident or condition; • Any time-sensitive deadlines should be noted. • Investigations shall afford all interested persons and their representatives, if any, an opportunity to submit materials relevant to the request.
Request Timeline	• If a request for an accommodation is occurring prior to the service, program and/or activity then the request should be made seven days prior to the need for the accommodation or as soon as the individual is made aware of the need for the accommodation. • If a qualified disabled individual has been unable to participate in the service, program and/or activity, s/he should report the condition to the County so that the County can

	avoid any similar situation in the future.
Who Responds	• Upon receipt of a request, the departmental ADA Liaison will investigate the condition or situation. • The departmental ADA Liaison may seek the assistance of the Director of the Office of the Physically Challenged ("the Director") in investigating and responding to the request. • After investigating the request, the ADA liaison will make a recommendation to the appropriate departmental Commissioner and/or Director or his/her designee.
Request Approval	The response must be reviewed and approved by the appropriate departmental Commissioner and/or Director, or his/her designee prior to the response being sent to the requestor.
Who Receives Copies of the Response	• The departmental ADA Liaison will provide a response in writing to the requestor. Upon request, the response will be in an alternative format accessible to the requestor. • A copy of the approved response should also be forwarded to the Director of the OPC to the appropriate departmental Commissioner and/or Director or his/her designee.
Accommodation Timeline	If the request for an accommodation is approved, the department shall provide the accommodation without undue delay.

C. RECONSIDERATION PROCESS

Reconsideration	The requestor can request reconsideration for the original request if he or she is dissatisfied with the County's response. • The request for reconsideration should be addressed to the Director of the OPC, in writing. An alternative format accessible to the requestor may also be used. • The requestor must seek reconsideration within ten (10) days of receipt of the County's response to the original request. • The Director of the OPC will respond to any request for reconsideration within 15 business days of receiving the request. • The response to the reconsideration request must be approved by the department Commissioner and/or Director, or by his/her designee. • The response to any request for reconsideration shall be filed with the departmental Commissioner and/or Director or with his/her designee before it is sent to the requestor. • If the request is approved, the department shall provide the accommodation without undue delay.

Records That Must Be Maintained	The ADA Liaison shall maintain a file relating to each request and the response thereto. Records will be maintained pursuant to the County retention policies.

II. EMPLOYMENT

A. INTRODUCTION

Nassau County will not discriminate against people with disabilities concerning any employment practices or terms, conditions, and privileges of employment. The County, in accordance with law, will make reasonable accommodations to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs and to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship.

B. REQUEST AND RESOLUTION PROCESS

Request Initiation	The procedures set forth in the Nassau County Equal Employment Policy should be followed by any qualified disabled individual who seeks a reasonable accommodation with respect to his or her employment or the employment application process or desires to complain that he or she has suffered harassment or discrimination in his or her employment or in the employment application process.
Nassau County Equal Employment Policy	• A copy of the Nassau County Equal Employment Policy may be obtained from the Departmental Equal Employment Officer and/or • The Director of Equal Employment Opportunity. Nassau County Department of Human Resources One West Street Mineola, New York 11501 (516) 571- 6176

III. POSTING AND DISTRIBUTION OF POLICY

This section of the County's Title II Policy/Procedure sets forth the steps that departments must take to educate the public and their staffs regarding the protections provided under Title II of the ADA.

Nassau County's ADA Notice	The Office of the Physically Challenged has developed an official County "ADA Notice" that states that: • Disabled individuals who are qualified for a County service, program or activity shall not be denied access by reason of their disability; and • The County has a procedure for disabled individuals to request an accommodation to enable access to County services, programs or activities and provides the contact number for the County Office for the Physically Challenged and for the pertinent department's ADA liaison. • The Accessible Meetings Notice, which is appended hereto as Form #3, shall be included in all printed and/or other materials used to promote all services, programs and/or activities that the public is invited to attend.
Posting of County's ADA Notice	The official County ADA Notice shall be posted: • On the County's web site; • In any County office where the public comes for services, programs or activities; – Such notice should be placed centrally and conspicuously in any such office so that interested members of the public are readily able to find it and read it; • At any other location under the jurisdiction of a County department or agency where the department or agency, in its sound discretion, has determined that having such notice would be beneficial; and • In all printed and/or other materials used to promote all services, programs and/or activities that the public is invited to attend.
Policy Copies Availability	A copy of this policy may be obtained from the pertinent department's ADA liaison and/or from the Office of the Physically Challenged, 60 Charles Lindbergh Blvd, Uniondale, New York 11553

ADA Policy Training	The County will conduct training and educational sessions with its employees to further its commitment that all members of the public, including people with disabilities, are able to participate in and receive the benefits of Nassau County's services, programs and activities.

IV. ADA LIAISON LIST

Department	Dept. Head	Tel. Number	ADA Rep	Tel. Number
Assessment	Hon. Harvey Levinson	571-3432	Jim Davis	571-3851
Assessment Review Comm.	Glenn Borin, Chairman	571-2394	Comm. Ray Hawkins	571-2395
Bd. Of Elections	Jeffrey Stein, Comm.	571-2413	Scott Milano	
Bd. Of Elections	John DeGrace, Comm.	571-2300	Tom McCormack	
Budget Office	Mark Young, Dir.	571-4273	Deirdre Dawson	571-4266
CASA	Marianella Jordan, Dir.	572-0750	Maria Fonte	572-0750
Civil Service	Karl Kampe, Exec. Dir.	572-2696	Karl Kampe	572-2697
Communications & Public Policy	Bruce Nyman, Dir.	571-6105	David Swirnoff	571-1510
Constituent Affairs	Ian Siegel, Dir.	571-4044	Linda Garrett	571-0404
Consumer Affairs	Roger Bogsted, Comm.	571-3286	Ratna Bhalla	571-3283
Correctional Center/Sheriff	Edward Reilly, Sheriff	572-4171	Robert Clark	572-4155
County Atty	Lorna Goodman	571-3076	Sue Tokarski	571-3001
County Clerk	Hon. Karen Murphy	571-2661	Jeremy Devine	571-2660
County Comptroller	Hon. Howard Weitzman	571-2386	Janet DeAngelo	571-2678
Crime Victims Assoc.	Patti Chave	571-4300	David Swirnoff	571-1510
District Atty.	Hon. Dennis Dillon	571-3593	Bob McManus	571-3354
Drug &Alcohol Addiction	Dr. John Imhoff	572-1910	Jo-Ann Leitner	572-1925
Emergency Management	Richard Rotanz	573-0631	Jennifer Mincin	573-0636

Department	Dept. Head	Tel. Number	ADA Rep	Tel. Number
Fire Commission	Thomas Tilley, Fire Marshal	572-1010	Barbara Lang	572-1013
Fleet Management	John Kelley, Dir.	572-0282	Stuart Fishkin	572-0726
Grants	Stephen Feiner	571-4013	Briana Staton	571-2515
Health Department	Dr. David Ackman, Comm.	571-2260	Ed Poulter	571-4314
Housing & Intergovernmental Affairs	Rosemary Olsen, Dir.	571-0279	Joe Marshiano	571-0395
	Housing Choice Voucher Program (Section 8)		Margaret Milidantri	571-0374
Human Resources	Jo-Ann Goldson, HR Officer	571-3072	David Swirnoff	571-1510
Human Rights Commission	Renaire Frierson	571-5955	Jack McCarthy	571-5949
Information Technology	Robert Checca	571-4265	Peggy Brown	571-6627
Labor Relations	David Greene, Dir.	571-4084	David Green	571-4084
Legislative Affairs	William Geier, Dir.	571-4010	Sarah Flammer	571-3109
Medical Examiner	Dr. Tamara Bloom, Chief ME	572-5150	Diane Markunas	572-5152
Mental Health	Howard Sovronsky, Comm.	571-3359	Arlene Sánchez	571-2213
Minority Affairs	John Moye, Dir.	571-0415	Dean Bennett	571-0187
Physically Challenged	Don Dreyer, Dir.	227-8990	Don Dreyer	227-8990
Planning	Patti Bourne, Dir.	571-5843	Glenn Roman	571-0432
Police Dept.	James Lawrence, Comm.	573-7100	Captain Barbara Green	573-7150
Press Office	Louise Tripoli, Press Sec.	571-4225	Linda Garrett	571-0404
Probation	John Carway, Dir.	571-4676	Edward Schenk, Esq.	571-5315
Public Administrator	Michele Garner	571-5950	Ted Kopczynski	571-5998
Public Works	Peter Gerbasi, Comm.	571-9604	Dena Miller	571-9609

Department	Dept. Head	Tel. Number	ADA Rep.	Tel. Number
Purchasing	Frank Ryan, Dir	571-4060	Tom Zitay	571-4015
Real Estate/Buildings	Sheldon Cohen, Dir.	571-4221	David Swirnoff	571-1510
Recreation, Parks & Support	Doreen Banks, Comm.	572-0272	MaryJane Palma	
Senior Citizen Affairs	Sharon Mullon, Comm.	571-5990	Maxine Chasnow	571-5961
Social Services	Robert Sherman, Comm.	571-4444		
	Access/compliance issues		Veronica Boland	571-4453
	Access/accessibility issues		Harry Garrison	
Traffic/Parking Violations	Pat Reilly, Exec Dir.	572-2654	Donna Finnen	572-2651
Traffic Safety Board	Joanne McGarry, Asst Dir.	571-5034	Christopher Mistron	571-5032
Treasurer	Henry Dachowitz	571-2090	Maude Vincent	571-2090
Veterans Services Agency	Edward Aulman, Dr.	572-8450	Edward Aulman	572-8450
Youth Board	George Siberon, Exec Dir.	572-1384	Susana Isaacson	572-1389
Chief Administrative Officer	John Donnelly	571-4247	David Swirnoff	571-1510

V. FORMS

The following are County forms that are used in connection with the ADA Policy. Copies of the forms are attached to this policy.

Form # 1	Policy Statement
Form #2	ADA request for Accommodation Form
Form #3	ADA Accessible Meetings Notice.

FORM #1

THE COUNTY OF NASSAU IS COMMITTED TO COMPLYING WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

No qualified disabled individual shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of Nassau County, or be subjected to discrimination by Nassau County in its public services including, but not limited to legislative meetings, informational materials, health and social services, employment, transportation, recreation and special events.

Nassau County has established an Americans with Disability Policy. To obtain a copy of the policy or to request an accommodation or assistance due to a disability, please contact either the Departmental ADA liaison: _______________________ at _______________;

OR

Don Dreyer, Director Office for the Physically Challenged, at 227-8990 (for persons with hearing limitations - TDD 227-8989)

Form #2

COUNTY OF NASSAU
ADA REQUEST FOR ACCOMMODATION FORM

Requests concerning access to County services, programs, and/or activities should be addressed to the ADA Liaison for the department responsible for the event, program, service or activity at issue. If the requestor cannot identify or contact the appropriate department or the designated ADA Liaison for that department, he/she should contact: Don Dreyer, Director Nassau County Office for the Physically Challenged, 60 Charles Lindbergh Blvd., Uniondale, NY 11553 or by phone: (516) 227-8990 (Voice), 227-8989 (TDD), 227-8991 (Fax).

Any time-sensitive deadlines (list date): ____________________

1. Person filing request:

   Name: ______________________________ Phone number: __________

   Address: ____

2. Qualified disabled individual needing the Accommodation: (If different)

   Name: ______________________________ Phone number: __________

   Address: ____

3. State the disability the person has that is preventing that individual from participating in the service program or activity. The County reserves the right to request medical verification of the disability, the functional limitations the disability causes and the need for the accommodation. If medical documentation is required, the person requesting the accommodation must sign a medical records release form.

   ____

   ____

   ____

4. The service, program and/or activity that is not fully available or accessible (list dates of events, service, program and/or activity):

____

____

____

____

5. The manner in which the service, program or activity is not available or accessible:

____

____

____

6. The reasonable accommodation being sought and/or the type of action believed to be necessary to make the service, program or activity available or accessible (Examples: removal of physical barriers, change in program policies or procedures, provision of auxiliary aides or services, discussion with County employees responsible for delivering services or other possible accommodations).

____

____

____

7. Any witnesses to the incident or condition:

____

____

____

Form #3

ACCESSIBLE MEETINGS NOTICE

THE NASSAU COUNTY ____
(Agency Name)

IS COMMITTED TO MAKING ITS SERVICES, PROGRAMS, ACTIVITIES AND EVENTS ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. IF YOU NEED AN ACCOMMODATION OR ASSISTANCE DUE TO A DISABILITY, TO PARTICIPATE IN THE SERVICES, PROGRAMS, ACTIVITIES AND/ OR EVENTS IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT

______________________________ AT ____________________
(ADA Departmental Liaison) (phone number)

OR

DON DREYER, DIRECTOR FOR THE PHYSICALLY CHALLENGED, AT 227-8990

(FOR PERSONS WITH HEARING LIMITATIONS AT TDD 227-8989.)